

SENATE BILL NO. 1256

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

4664S.01I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to forms of address in public schools.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 167, RSMo, is amended by adding thereto
2 one new section, to be known as section 167.701, to read as
3 follows:

167.701. 1. As used in this section, the following
2 terms mean:

3 (1) "Contractor", any individual working in any
4 capacity for a public school or school district through a
5 contract between any such school or district, or an employee
6 or member thereof, and that individual or that individual's
7 employer;

8 (2) "Employee", any individual working in any capacity
9 at a public school, whether the performance of such work is
10 voluntary or paid, including but not limited to teachers,
11 administrators, janitors, cafeteria workers, or other
12 volunteers or personnel;

13 (3) "Parent", a resident of this state who is the
14 parent or legal guardian of a student;

15 (4) "Public entity", any of the following:

16 (a) The state or any officer, official, authority,
17 board, or commission of the state;

18 (b) Any county, city, or other political subdivision
19 of the state; or

20 (c) Any institution supported in whole or in part by
21 state funds.

22 (5) "Public school", a public elementary or secondary
23 school, including charter schools, or a preschool or
24 prekindergarten program operated by a school district or
25 charter school;

26 (6) "Sex", as such term is defined in section 163.048;

27 (7) "Student", an individual under eighteen years of
28 age who is enrolled in a public school and is not an
29 emancipated minor, as such term is defined in section
30 302.178.

31 2. This section shall be known and may be referred to
32 as the "Given Name Act".

33 3. A public school or school district employee or
34 contractor shall not, when acting in the course of his or
35 her official duties, use any name to address or refer to a
36 student other than the name provided by such student's
37 parents when enrolling the student in school, or a
38 derivative of such name, without the written permission of
39 such student's parents.

40 4. A public school or school district employee or
41 contractor shall not, when acting in the course of his or
42 her official duties, address or refer to a student using any
43 pronoun that differs from such student's biological sex
44 without the written permission of such student's parents.

45 5. A public entity shall not require a public school
46 or school district employee or contractor to use a pronoun
47 that differs from a person's biological sex if doing so
48 would be contrary to the employee's or contractor's
49 sincerely held religious or moral convictions.

50 6. If the department of elementary and secondary
51 education has reasonable cause to believe that a public
52 school or school district has knowingly violated the
53 provisions of this section, the department shall withhold
54 any state funding to which such school or school district
55 may be entitled pursuant to the provisions of chapters 160
56 or 163 until the school or school district proves to the
57 satisfaction of the department that it is no longer in
58 violation of this section.

59 7. Nothing in this section shall be construed to
60 prohibit employees and contractors of a public school or
61 school district from discussing any matters of public
62 concern outside the context of their official duties.

63 8. Any parent of a student may bring a civil action,
64 including an action for injunctive relief or damages,
65 against the public school or school district in which his or
66 her child is enrolled for any violation of this section
67 which causes harm to their child. Such action shall be
68 brought in the county where the violation occurred. If the
69 parent prevails, the court shall award to such parent court
70 costs and reasonable attorney's fees and any other damages
71 or remedy which in the judgment of the court shall be
72 appropriate.

73 9. Any individual may bring a civil action, including
74 an action for injunctive relief or damages, against any
75 public entity for a violation of this section which causes
76 harm to such individual or, if such individual is a parent
77 of a student, to such individual's child. Such action shall
78 be brought in the county where the violation occurred. If
79 the individual or parent prevails, the court shall award to
80 such individual or parent court costs and reasonable

81 attorney's fees and any other damages or remedy which in the
82 judgment of the court shall be appropriate.

83 10. Any public entity that is found by a court of
84 competent jurisdiction to have violated the provisions of
85 this section shall not be eligible for state funding or
86 state or local contracts pursuant to the provisions of
87 chapters 160 or 163 for a period of one year from the date
88 of such finding for a first-time violation or three years
89 from the date of such finding for any subsequent violation.

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